

THE HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TIMOTHY DIETZ,

Plaintiff,

vs.

**MIDLAND CREDIT MANAGEMENT,
INC,**

Defendants.

Civil Case No.: 3:14-cv-05114-RBL

**JOINT STATUS REPORT AND
DISCOVERY PLAN**

Pursuant to the Court's order dated July 21, 2014, the parties submit the following
Joint Status Report and Discovery Plan:

1. A statement of the nature and complexity of the case.

Plaintiff alleges that defendant violated the Telephone Consumer Protection Act, 47

U.S.C. §227 *et seq.* ("TCPA") in the course of collecting an alleged but non-existent debt.

Defendant denies all allegations. The case is not unusually complex.

2. A proposed deadline for the joining of additional parties.

Plaintiff proposes May 1, 2015.

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1 Defendant proposes November 14, 2014.

2 **3. Consent to Magistrate Judge.**

3 No.

4 **4. Discovery Plan.**

5 **(A) Initial Disclosures.**

6 The parties will exchange initial disclosures by September 30, 2014.

7 **(B) Subjects, Timing, and Potential Phasing of Discovery.**

8 Plaintiff plans to conduct discovery regarding the collection of debts process of an
9 alleged but non-existent debt. Defendant plans to object to such discovery as
10 irrelevant to the issues in this case, and not reasonably calculated to lead to the
11 discovery of admissible evidence. Defendant plans to conduct discovery regarding
12 plaintiff's factual allegations and damages. At this time, the parties do not anticipate
13 conducting discovery in phases.

14 Plaintiff proposes nine months to complete discovery.

15 Defendant proposes six months to complete discovery.

16 **(C) Electronically Stored Information.**

17 The parties have discussed and agreed on the preservation and production of
18 unprivileged relevant discoverable information. Defendant does not anticipate that
19 the production of electronically-stored information will be relevant in this case.

20 **(D) Privilege Issues.**

21 Defendant anticipates having to assert appropriate privilege objections to discovery
22 requests made by plaintiff (*pro se*). Additionally, to the extent discoverable but
23

1 confidential and/or proprietary business information may be sought, the parties will
2 discuss an appropriate stipulated protective order and/or in camera review by the
3 court if necessary.

4 **(E) Proposed Limitations on Discovery.**

5 The parties do not presently believe that any changes to the federal discovery rules are
6 needed.

7 **(F) Need for Any Discovery Related Orders.**

8 As noted, a protective order may be needed.

9
10 **5. Local Civil Rule 26(f)(1).**

11 **(A) Prompt Case Resolution.**

12 The parties will discuss settlement in good faith and will inform the Court if any
13 settlement is reached.

14 **(B) Alternative Dispute Resolution.**

15 Plaintiff may request mediation at some point in the future, but does not believe that
16 ADR would be productive at this time. Defendant is willing to consider ADR but, at
17 this time, has not decided the appropriate ADR method or timing.

18 **(C) Related cases.**

19 None.

20 **(D) Discovery Management.**

21 At this time, the parties do not expect significant or protracted discovery. The parties
22 agree to cooperate in a manner that minimizes expenses while preserving each side's
23 ability to make their claims and defenses.
24

1 **(E) Anticipated discovery sought.**

2 The parties anticipate doing written discovery and depositions.

3 **(F) Phasing motions.**

4 Not at this time.

5 **(G) Preservation of Discoverable Information.**

6 The parties do not anticipate any issues.

7 **(H) Privilege Issues.**

8 Same as 4(D) above.

9 **(I) Model Protocol for Discovery of ESI.**

10 Defendant does not anticipate that the production of electronically-stored information
11 will be relevant in this case.

12 Plaintiff does not propose any changes to the model protocol.

13 **(J) Alternatives to Model Protocol.**

14 None at this time (see above).

15 **6. The date by which discovery can be completed.**

16 Plaintiff proposes June 2, 2015.

17 Defendant proposes March 20, 2015.

18 **7. Whether the case should be bifurcated by trying the liability issues before the**
19 **damages issues, or bifurcated in any other way.**

20 At this time, the parties do not believe that the case should be bifurcated.

21 **8. Whether the pretrial statements and pretrial order should be dispensed with in**
22 **whole or in part for the sake of economy.**

23
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1 No.

2 **9. Whether the parties intend to utilize the Individualized Trial Program.**

3 No.

4 **10. Any other suggestions for shortening or simplifying the case.**

5 None at this time.

6 **11. The date the case will be ready for trial. The Court expects that most civil cases will be**
7 **ready for trial within a year after filing the Joint Status Report and Discovery Plan.**

8 Plaintiff proposes November 2, 2015.

9 Defendant proposes September 24, 2015.

10 **12. Whether the trial will be jury or non-jury.**

11 Plaintiff demands a jury.

12 **13. The number of trial days required.**

13 Plaintiff estimates three days.

14 Defendant estimates one to two days.

15 **14. The names, addresses, and telephone numbers of all trial counsel.**

16 For Plaintiff:

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20 For Defendant:

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1 **15. The dates on which the trial counsel may have complications to be considered in**
2 **setting a trial date.**

3 Defendant's counsel is not available on the following dates: August 24 to September 4,
4 2015; September 9 to 11, 2015; and early October 2015.

5 **16. Service.**

6 MCM has been served.

7 **17. Whether any party wishes a scheduling conference before the Court enters a**
8 **scheduling order in the case.**

9 No.

10 **18. Corporate Disclosure Statements.**

11 MCM filed its corporate disclosure statement on February 6, 2014.

12 DATED: September 19, 2014.

13
14
15 TIMOTHY DIETZ

16
17 By /s/ Timothy Dietz

18 Timothy Dietz

19 Plaintiff *Pro Se*

20 COSGRAVE VERGEER KESTER LLP

21 By /s/ Robert E. Sabido

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24 Attorneys for Defendant

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